

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

MICHAEL KENNEDY

Plaintiff,

V.

CIVIL ACTION NO

MIDLAND CREDIT MANAGEMENT INC.

Defendant.

FEBRUARY 23, 2010

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ("MCDCA"); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.
2. The Court's jurisdiction is conferred by 15 U.S.C.1692k
3. Plaintiff is a natural person who resides in Annapolis, Maryland.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA and MCDCA.
6. Defendant was not properly licensed at the time of the initial communication and subsequently suspended as a collection agency by the Maryland Department of Labor and Licensing between the months of September 23, 2009 and December 17, 2009.

7. Defendant has a place of business at 8875 AERO DRIVE, SUITE 200
SAN DIEGO, CA 92123.

8. Defendant communicated with Plaintiff on and after June 7, 2009 in connection with collection efforts with regard to Plaintiff's disputed personal debt to Midland Funding LLC..

9. Plaintiff advised Defendant that he, disputes the alleged debt.

10. Defendant advised the Plaintiff that his dispute was not legitimate and did not meet the criteria of disputes under the FDCPA.

11. Defendant's statements that my clients dispute was not legitimate is false, deceptive and misleading and in violation of §1692e.

12. Defendants statements that my clients dispute did not meet the criteria of valid disputes violates the FDCPA, as the FDCPA has no criteria for valid or invalid disputes and such statements are false, deceptive and misleading and violate §1692e.

13. Defendant through their collection agent advised the Plaintiff that his dispute must be in writing was false, deceptive and misleading and in violation of §1692e.

9. Defendant advised the Plaintiff, that his dispute was required to be in writing in violation §1692g.

14. Defendant advised Plaintiff his dispute must be put in writing and that he could not orally dispute this debt, in violation of 1692g and e.

15. Defendant failed to provide notice pursuant to 1692e (11) in the communication defendant had with the Plaintiff.

16. Based on information and belief the Defendant violated the suspension and cease and desist order for collection of debt in the State of Maryland by reporting to the credit bureaus the alleged debt owed by Plaintiff.

17. Defendant has inadequate procedures in place to avoid such errors.

18. Defendant advised the Plaintiff that United Collection Bureau would continue to report the disputed debt to Credit Reporting Agency's without advising them that this account was in dispute, in violation of 1692 e(8).

19. In the collection efforts, the defendant violated the FDCPA; inter alia, section 1692 e and g.

SECOND COUNT

20. The allegations of the First Count are repeated and realleged as if fully set forth herein.

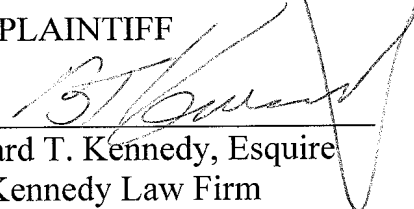
21. Within three years prior to the date of this action Defendant has engaged in acts and practices as to Plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act § 14-204 et seq. ("MCDCA"); Md. Ann. Code Business Regulation Collection Agencies § 7-301 et seq.

22. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.

WHEREFORE Plaintiff respectfully requests this Court to:

1. Award Plaintiff statutory damages pursuant to the Fair Debt Collection Practices Act 15 U.S.C. §1692 et seq.;
2. Award Plaintiff statutory damages pursuant to the MCDCA.
3. Award the Plaintiff costs of suit and a reasonable attorney's fee;
4. Award and such other and further relief as this Court may provide.

THE PLAINTIFF

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